



Serial No.: 10/020,094
Confirmation No.: 9964
Applicant: Thomas E. Coverstone
Atty. Ref.: 02820.0003.NPUS00

REMARKS IN RESPONSE TO THE OFFICE ACTION:

Applicant thanks the Examiner for his courtesy during the interview of September 22, 2004. Applicant explained to the Examiner that the present invention was conceived before the effective filing date of the Srinivasan reference cited by the Examiner, and suggested that Applicant file a declaration under 37 C.F.R. § 1.131 to remove Srinivasan as a reference.

REJECTION UNDER 35 U.S.C. § 112:

Claim 1 stands rejected under 35 U.S.C. § 112, first paragraph for alleged indefiniteness in that the extraneous word "database" appears at the end of the claim. Applicant acknowledges that the presence of the word is a typographical error and respectfully requests that the Examiner delete the word "database" by Examiner's amendment when the application is otherwise in condition for allowance.

REJECTION UNDER 35 U.S.C. § 102:

Claims 1–11 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Publication No. 2002/0022488A1 by Srinivasan et al. Applicant respectfully traverses the rejection on the grounds that Applicant conceived the claimed invention before March 13, 2000 (the effective filing date of Srinivasan) and was reasonably diligent in constructively reducing the invention to practice (by filing the present application) from before March 13, 2000 until the filing of the present application on December 13, 2000. The facts and evidence supporting Applicant's contention are set out in full in the Declaration of Thomas E. Coverstone Under 37 C.F.R. § 1.131 submitted herewith.

In view of the foregoing remarks, Applicant respectfully submits that the Srinivasan application has been removed as a reference as permitted under 37 C.F.R. § 1.131(a). Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102(e) and allow the claims in the next action from the Office.



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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. §§ 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 02820.0003.NPUS00.

Applicant respectfully requests that the Examiner directly contact the undersigned representative by telephone to discuss any issues or questions presented by this paper.

Respectfully submitted,

Ira D. Finkelstein

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Date: February 28, 2005